

Message Text

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PAGE 01 STATE 215698

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ORIGIN L-03

INFO OCT-01 ARA-06 ISO-00 JUSE-00 OPR-02 SCA-01 /013 R

DRAFTED BY L/M:HRGAITHER:AD

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JUSTICE - MR. STEIN (INFO)

----- 053662

R 102344Z SEP 75

FM SECSTATE WASHDC

TO AMEMBASSY SANTIAGO

LIMITED OFFICIAL USE STATE 215698

E.O. 11652: N/A

TAGS: PFOR, CI

SUBJECT: EXTRADITION TREATY NEGOTIATIONS -- CHILE

REF: (A) SANTIAGO 6088; (B) STATE 199455

DEPARTMENT COMMENTS ON REF. A ARE AS FOLLOWS:

ARTICLE VII - PARA 5C - DEPARTMENT REVIEWING PROPOSAL OF
GOC AND WILL RESPOND AT LATER DATE.

ARTICLE VIII - DEPARTMENT ASSUMES SUBSTITUTION OF "IN" FOR
"OF" IN LINE 3 ENGLISH TEXT WAS ACCEPTED. PLEASE INDICATE
IF THIS CORRECT.

RE USE OF "RECLAMADA" AFTER WORD "EXTRADICION IN SPANISH
TEXT, LINE 3, DEPARTMENT ALSO CONFUSED. INSERTION THAT WORD
WAS NOT IN EARLIER DRAFTS, WAS NOT PROPOSED BY DEPARTMENT
IN REF B, AND, IN OUR VIEW, SHOULD NOT BE INCLUDED. TEXT
WAS CORRECT AS WE SEE IT.

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PAGE 02 STATE 215698

RE ALTERATION OF FIRST PART OF LINE 4, DEPARTMENT REQUESTED THAT "ESTADO" BE RETAINED FOR ALIGNMENT WITH "COUNTRY" IN ENGLISH TEXT. PROPOSED ALTERATION IS THUS SUBSTANTIVE CHANGE AFFECTING ALIGNMENT OF TEXTS. FOR THIS

REASON REQUEST LINE BE LEFT WITHOUT REVISION.

DELETION OF 'LAS" BEFORE "GARANTIAS" AND COMMA AFTER "UFICIENTES" IS ACCEPTABLE.

ARTICLE XI - RE SINGULARIZING OF "EMANDOS", DEPARTMENT AGREES WITH ARTEAGGA AND APOLOGIZES FOR ERROR.

RE USE OF "DEBAN", ON REVIEW WE AGREE ARTEAGA CORRECT. TEXT SHOULD BE UNCHANGED.

ARTICLE XII - DEPARTMENT'S PROPOSAL TO CHANGE "SE ANUNCIA, ETC" TO "SE INDICA, ECT" WAS TO REMEDY A SUBSTANTIVE PROBLEM IN ALIGNMENT OF THE TEXTS. IN THE ENGLISH TEXT, THE PHRASE, "INDICATES THE PURPOSE (REPEAT PURPOSE) FOR THE REQUEST OF EXTRADITION" IS INTENDED TO REQUIRE THE REQUESTING STATE TO SPECIFY WHY THE REQUEST FOR EXTRADITION WILL BE MADE -- E.G. FOR THE PURPOSE OF PROSECUTING AN ACCUSED OR REQUIRING HIM TO COMPLETE A PARTIALLY SERVED OR UNSERVED SENTENCE. AS WE TRANSLATE PRESENT SPANISH TEXT, THE PHRASE READS "INDICATES THE INTENTION (REPEAT INTENTION) OF REQUESTING EXTRADITION" WHICH IS SUBSTANTIVELY DIFFERENT. THE SPANISH TEXT MERELY REQUIRES A STATEMENT OF INTENT TO REQUEST NOT THE PURPOSE OF THE REQUEST ITSELF. PERHAPS THE MATTER COULD BE CLARIFIED BY PROPOSING THE FOLLOWING TEXT (IN LIEU OF PHRASE PROPOSED IN REF B: "SE ANUNCIA EL PROPOSITO DE LA EXTRADICION QUE SE PIDE". KISSINGER

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